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**Attorney Docket No. SMTR001/01US****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Brad W. BLUMBERG et al.

Serial No.: 09/774,120

Examiner: Y. Beaulieu

Confirmation No.: 1145

Art Unit: 3661

Filed: January 31, 2001

For: POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD

**OFFICE OF PETITIONS**Assistant Commissioner for Patents  
Washington, D.C. 20231**RECEIVED**

JUN 14 2002

**Petition to Withdraw from Issue  
Under 37 C.F.R. 1.313(c)(2)**

OFFICE OF PETITIONS

In accordance with 37 C.F.R. 1.313(c)(2), Applicant petitions the Assistant Commissioner for Patents to withdraw the above-referenced application from issue to permit consideration of a Request for Continued Examination ("RCE") under 37 C.F.R. 1.114 accompanied by an Information Disclosure Statement under 37 C.F.R. 1.97.

The documents cited in the Information Disclosure Statement filed with the RCE were brought to Applicant's attention after payment of the issue fee on March 22, 2002. Applicant does not waive any right to appropriate action to establish patentability over the cited reference should it be applied against the pending claims.

As suggested in MPEP §1308, the undersigned has contacted the Office of Petitions and has been informed by Ms. Brinkley that sufficient time remains before the patent issue date to consider a petition under 37 CFR 1.313(c). In accordance with M.P.E.P. 1308, this petition is sufficient grounds to waive the requirement that an application under 37 C.F.R. 1.114 be filed before payment of the issue fee. Accordingly, a Request for Continued Examination transmittal and fee is submitted herewith along with the IDS and PTO/SB/08.

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The petition fee as set forth in 37 C.F.R. 1.17(h) and the filing fee for the RCE as set forth in 37 C.F.R. 1.17(e) is enclosed. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account 50-1283. A duplicate copy of this Petition is enclosed for this purpose.

Prompt and favorable consideration of this petition is respectfully requested.

Dated: June 14, 2002

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Respectfully submitted,  
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